

Mr. DOHERTY. I do not wish to persist too much, but I still do not think that this alteration meets the objection as it presents itself to my mind. It seems to me an entirely illogical proceeding for this House to enact something, whether by declaration or by substantial enactment, something which is already law, made the law by a parliament different from this, a parliament whose legislation this parliament has absolutely no power to alter. It seems to me we might as well, in any other Act, enact some section of the British North America Act dealing with the same subject. Now putting upon the statute-book such an enactment, *prima facie*, is a declaration on our part of the power to deal with the matter. Yet, we all seem to be agreed that we cannot determine that matter in this House, it having been once for all determined by the British North America Act. It is true, as stated by the leader of the opposition, and as apparently held by a former Minister of Justice in regard to a similar matter, that it may possibly do no harm. But it would seem to be more rational for us to proceed under the law that governs us and not to make a pretense of enactment on the subject.

Sir WILFRID LAURIER. My hon. friend (Mr. Doherty) remembers the line of Tennyson as applied to the British constitution about broadening 'slowly down from precedent to precedent.' We have several precedents in dealing with this business, and I feel that we cannot do better than adopt the language used by parliament when it last dealt with this question.

Mr. DOHERTY. It has been suggested that the weakness of this idea of broadening down from precedent to precedent is that, sometimes—in fact, the present is an instance—the principle is quoted in support of the idea that when you have once done wrong, you have for ever forfeited your right to do right.

Mr. W. F. MACLEAN. Is it not good practice to regard the constitution as something progressive? There is nothing wrong in Canadians suggesting in their parliament the right to limit the prerogatives of the Crown. If Canada is similar in constitution to Great Britain, and if the parliament of Britain can limit the prerogatives of the Crown, is it wrong for Canadians to assert the same power? I, for one, am not afraid to take that view. I prefer to see a constant assertion, in all these constitutional provisions, more and more of the right of Canada to equality in legislation with the mother country. If the mother country has greater freedom than we have in regard to this question or any question, I say that, as a daughter state, we ought to assert that right, maintain it and achieve it. And I take it that these changes are in

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the line of constitutional progress and in the line of asserting the right to control and responsibility in these matters.

Mr. J. A. CURRIE. Constitutional progress is one of the questions that we should gravely consider when we are dealing with a great national question of this kind. Any one who knows anything about our constitution and the circumstances surrounding its creation, knows that it was a creature of circumstances, and it was sought by it to amalgamate into a whole certain interests of a deep national character, and certain guarantees were given. Now, whenever I see a Bill introduced into this House which attempts to vary the prerogative or rights of the King, or which attempts to decide questions in this House which might pertain for instance to the rights of minorities, it is time for us to take careful heed whither we are going. There is no question but that this Naval Bill, as has been plainly stated, is intended to set up what is practically a purely local force for Canada, and every clause throughout this Bill attempts, and does it successfully, to limit the prerogative of the Crown to any control over this local force. I can foresee a time, perhaps it may be not far in the future, when a majority in this House having control of this iron flail in the shape of a navy, may use it as a whip to force a minority into submission along certain lines which that minority might not consider constitutional. For that reason we should endeavour in every way to safeguard the rights that are guaranteed under the British North America Act, and not set up another empire within an empire with an armed force at its disposal, when that armed force which would be entirely under the control or under the command of a single man, the premier in this country. That is a danger which I see in this Bill, and it is a very serious one. Under this Bill, the proposed navy will be entirely under the command of the premier for the time being.

Sir WILFRID LAURIER. Hear, hear.

Mr. J. A. CURRIE. I wish the premier to understand that I see a grave constitutional danger in permitting any premier of Canada to have the right to use an armed force in this country over and above the right of the King. The King has always been the guardian, the safeguard and the buckler of minorities, not only in this country, but in other countries of the empire. The King has invariably stood between the people and injustice, between the people and their governors, as is shown by the history of the mother country for three or four hundred years. Now, this danger arises under this clause, in this very Act, and under it there is no guarantee but that a Prime Minister, with a brute majority at